

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

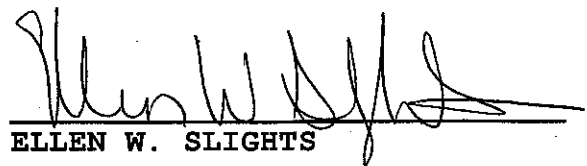
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ARSALAN FAGHRI,	:	
FERESHTEH AMINI, and	:	
ROUDABEH FAGHRI,	:	
	:	
Plaintiffs	:	Civil Action No. 06-777-***
	:	
v.	:	
	:	
SECRETARY MICHAEL CHERTOFF,	:	
et al.,	:	
	:	
Defendants	:	
	:	
x-----x	:	

MOTION OF DEFENDANTS TO DISMISS

Pursuant to Federal Rule of Civil Procedure 12(b)(1), the Government respectfully moves to dismiss Plaintiffs' Original Complaint for Writ of Mandamus for want of subject matter jurisdiction, for the reasons set forth in the attached supporting legal memorandum.

Respectfully submitted,

COLM F. CONNOLLY
United States Attorney



ELLEN W. SLIGHTS
Assistant United States Attorney

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

x-----x
ARSALAN FAGHRI, :
FERESHTEH AMINI, and :
ROUDABEH FAGHRI, :
 :
Plaintiffs : Civil Action No. 06-777
 :
v. :
 :
SECRETARY MICHAEL CHERTOFF, :
et al., :
 :
Defendants :
 :
x-----x

O R D E R

AND NOW, this day of , 2007,
the United States having filed a motion to dismiss the
Plaintiff's Original Complaint for Writ of Mandamus, and the
Court having considered the memoranda and other materials
submitted in support thereof and in opposition thereto, and the
Court having determined that it lacks subject matter
jurisdiction, IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. This case is DISMISSED WITHOUT PREJUDICE.

UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ARSALAN FAGHRI,
FERESHTEH AMINI and
ROUDABEH FAGHRI,

Plaintiffs,

v.

SECRETARY MICHAEL CHERTOFF, et al.,

Defendants.

Civil Action No. 06-777-***

AFFIDAVIT OF SERVICE

I, Kathie Gray, an employee in the Office of the United States Attorney for the District of Delaware, hereby attest under penalty of perjury that on April 13, 2007, I electronically filed the foregoing **MOTION OF DEFENDANTS TO DISMISS, MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS, and PROPOSED ORDER** with the Clerk of Court using ECF, and I hereby attest that I have delivered two copies of said documents via United States Mail, postage prepaid, to the following:

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/s/ Kathie Gray

Kathie Gray
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